

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

August 29, 2005

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Nicholson, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice; and Rios, bailiff.

C046485 FULSTONE v. FULSTONE

Cause called. Timothy W. Pemberton argued for appellant. William E. Peterson, argued for respondent. Cause submitted.

At 10:03 a.m., the court recessed. At 10:07 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Robie, Associate Justice.

C044240 CITY OF STOCKTON v. GRECH et al.

Cause called. John L. Cammack argued for appellant. Arnold J. Wolf argued for respondent. Cause submitted.

C041291 GRUPE COMPANY et al. v. WORKERS' COMPENSATION APPEALS BOARD et al.

Cause called. Paula E. White argued for petitioners. Melissa C. Brown argued for respondent Ridgeway. Joseph V. Capurro argued for Amicus Curiae. Cause submitted.

At 10:37 a.m., the court recessed. At 11:16 a.m., the court reconvened with Morrison, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C047715 LINDSEY, as Trustee, etc. v. MILLER

Cause called. Edward Brenner argued for appellant. Edward K. Dunn argued for respondent. Cause submitted.

C046755 THE PEOPLE v. HETTIGER

Cause called. Philip M. Brooks, court appointed counsel, argued for appellant. Maureen A. Daly, Deputy Attorney General, argued for respondent. Cause submitted.

At 12:07 p.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Hull, Associate Justice.

C046307 THE PEOPLE v. GOODMAN

Cause called. Robert W. Gehring, court appointed counsel, argued for appellant. Eric L. Christofferson argued for respondent. Cause submitted.

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August 29, 2005, continued

At 2:22 p.m., the court recessed. At 2:25 p.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C048495 McELWEE v. LODI UNIFIED SCHOOL DISTRICT et al.

Cause called. Paul R. Gant argued for appellants. Thomas J. Driscoll, Jr. argued for respondent. Cause submitted.

At 2:56 p.m., the court recessed. At 3:00 p.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

**C046372 COUNTY OF EL DORADO et al. v. DEPARTMENT OF TRANSPORTATION DISTRICT 3 et al. and LAKES ENTERTAINMENT, INC. et al.
VOICES FOR RURAL LIVING et al. v. DEPARTMENT OF TRANSPORTATION DISTRICT 3 et al. and SHINGLE SPRINGS BAND OF MIWOK INDIANS et al.**

Cause called. Michael V. Brady argued and Andrea Matarazzo appeared only for appellants County of El Dorado, et al. Stephen C. Volker argued for appellants Voices for Rural Living et al. Michael H. Zischke argued and David C. Levy, Kathleen Boergers and Paula Yost appeared only for respondents.

C048141 COUNTY OF EL DORADO et al. v. DEPARTMENT OF TRANSPORTATION et al. and LAKES ENTERTAINMENT, INC. et al. and SHINGLE SPRINGS BAND OF MIWOK INDIANS et al.

Cause called. Michael H. Zischke argued for appellants Department of Transportation et al. Nicholas Yost argued for real parties in interest - appellants. Michael V. Brady argue for respondents County of El Dorado et al. Stephen C. Volker argued for respondents Voices for Rural Living et al. Kathleen Boergers and Paula Yost appeared only for real parties in interest-appellants. David Levy appeared for appellants Department of Transportation et al.

At 4:20 p.m., the court recessed. At 4:23 p.m., the court reconvened with Morrison, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C045276 THE PEOPLE v. URZICEANU

Cause called. Scott Concklin, court appointed counsel, argued for appellant. Catherine G. Tennant, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:55 p.m., the court recessed until 9:30 a.m., Tuesday, August 30, 2005.

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The Minutes

August 29, 2005 continued

**C049296 In re PATRICK M.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. C.M.**

The orders of the juvenile court are affirmed.

HULL, J.

We Concur: Blease, Acting P.J.

Sims, J.

August 30, 2005

At 9:00 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Hull, Associate Justice; Butz, Associate Justice and Facey, bailiff.

**C044267 In re BAY-DELTA PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT
COORDINATED PROCEEDINGS
LAUB et al. v. DAVIS et al.**

Cause called. Alan N. Bick argued for appellant. Peter K. Southworth, Deputy Attorney General, argued for respondent. Cause submitted.

**C044577 In re BAY-DELTA PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT
COORDINATED PROCEEDINGS
REGIONAL COUNCIL OF RURAL COUNTIES et al. v. STATE OF
CALIFORNIA et al. and DEPARTMENT OF WATER RESOURCES et al.**

Cause called. Alan N. Bick argued for appellant California Farm Bureau Federation. James M. Wagstaffe argued for appellants Regional Council of Rural Counties. John Herrick argued for appellants Central Delta Water Agency. Dante John Nomellini Sr. argued for appellants Central Delta Water Agency. Danae J. Aitchison, Deputy Attorney General, argued for respondents, State of California et al. Adam C. Kear argued for the respondent Metropolitan Water Agency. Peter K. Southworth, Deputy Attorney General, argued and submitted additional citations for respondents State of California. Cause submitted.

At 11:04 a.m., the court recessed until 9:30 a.m., Monday, September 19, 2005.

C046534 THE PEOPLE v. NAVA

(Not for Publication)

The judgment is affirmed.

DAVIS, J.

We Concur: Blease, Acting P.J.

Morrison, J.

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August 30, 2005, continued

- C046887 THE PEOPLE v. THOMAS (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C047367 THE PEOPLE v. ROMAGNANO (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C047848 THE PEOPLE v. PONCEDELEON (Not for Publication)**
The judgment is modified... The trial court shall prepare and send an amended abstract of judgment to the Department of Corrections.
CANTIL-SAKAUYE, J.
We Concur: Raye, Acting P.J.
Hull, J.
- C049391 KAUFMAN & BROAD COMMUNITIES, INC. et al. v. PERFORMANCE
PLASTERING, INC. (CERTIFIED FOR PUBLICATION)**
... The request for judicial notice of these enrolled bill reports is denied...
SIMS, J.
We Concur: Scotland, P.J.
Davis, J.

August 31, 2005

- C043308 THE PEOPLE v. LEE (Not for Publication)**
C043992 THE PEOPLE v. LEE (Not for Publication)
The criminal street gang enhancements (§ 186.22, subd. (b) (1) and use of a firearm enhancements (§ 12022.53, subds. (b) (c) (d) & (e) (1)) are reversed as to both codefendants...
... In all other respects, the judgments of Yeng and Kou are affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Hull, J.
- C045357 THE PEOPLE v. KEOVILAPHONE (Certified for Partial Publication)**
The judgment is affirmed. *(Certified for Partial Publication)*
BUTZ, J.
We Concur: Blease, Acting P.J.
Davis, J.

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August 31, 2005, continued

- C046933 THE PEOPLE v. CROMWELL (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.
- C047208 THE PEOPLE v. NANCE (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.
- C047817 THE PEOPLE v. McCLANAHAN (Not for Publication)**
The superior court is directed to prepare an amended abstract of
Judgment... ...The judgment is affirmed.
MORRISON, J.
We Concur: Sims, Acting P.J.
 Davis, J.
- C048667 THE PEOPLE v. GOSS (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Hull, J.
 Butz, J.
- C048877 THE PEOPLE v. FOOTE (Not for Publication)**
The judgment is affirmed. The trial court is directed to amend the abstract
of judgment...
SCOTLAND, P.J.
We Concur: Sims, J.
 Davis, J.
- C049177 THE PEOPLE v. BINNS (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
 Davis, J.

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August 31, 2005, continued

**C046017 Conservatorship of the Person and Estate of JOEL E.; SAN JOAQUIN
COUNTY PUBLIC CONSERVATOR v. JOEL E.
(CERTIFIED FOR PUBLICATION)**

The judgment is affirmed. **(CERTIFIED FOR PUBLICATION)**

BUTZ, J.

We Concur: Scotland, P. J.

Davis, J.

**C046171 DEL MERK, INC. v. FRANZIA and PACIFIC STATE BANK
C043539 DEL MERK, INC. v. FRANZIA and PACIFIC STATE BANK
(Certified for Partial Publication)**

The judgment and amended judgment are affirmed. Costs on appeal are
awarded to respondent. (Cal. Rules of Court, rule 27 (a).)

CANTIL-SAKAUYE, J.

We Concur: Raye, Acting P.J.

Hull, J.

**C046507 FRAZIER v. DEPARTMENT OF CHILD SUPPORT SERVICES
(Not for Publication)**

The order of the court directing George Frazier to pay \$42,901.21 in child
support arrearages is affirmed...

BLEASE, Acting P.J.

We Concur: Nicholson, J.

Robie, J.

**C047452 BROWN v. DEPARTMENT OF CORRECTIONS et al.
(CERTIFIED FOR PUBLICATION)**

The judgment is affirmed. **(CERTIFIED FOR PUBLICATION)**

DAVIS, Acting P.J.

We Concur: Raye, J.

Butz, J.

**C049041 JACKSON et al. v. WORKER' S COMPENSATION APPEALS BOARD, et al.
(Not for Publication)**

The WCAB's "Opinion and Order Granting Reconsideration and Decision
After Reconsideration" is annulled. The matter is remanded for further
proceedings consistent with the views expressed herein.

ROBIE, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

September 1, 2005

There were no minutes for this date.

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The Minutes

September 2, 2005

C039031	THE PEOPLE v. WRIGHT	(Not for Publication)
	The judgment is affirmed.	
	SIMS, Acting P.J.	
	We Concur: Davis, J.	
	Morrison, J.	